

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

JMF UNDERGROUND, INC.
Employer/Petitioner

and

Case 04-RM-146087

INTERNATIONAL UNION OF
OPERATING ENGINEERS, LOCAL 542
Union

ORDER

The Employer's Request for Review of the Regional Director's dismissal of the instant petition raises no substantial issues warranting reversal of the Regional Director's action.¹ Accordingly, the dismissal of the petition is affirmed.

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

Dated, Washington, D.C., December 8, 2015.

¹ See *Canter's Fairfax Restaurant*, 309 NLRB 883, 884 fn. 1 (1992); *Ron Tirapelli Ford*, 304 NLRB 576, 579-580 (1991), enfd. in rel. part 987 F.2d 433 (7th Cir. 1993); NLRB Casehandling Manual Part Two, Sec. 11042. Cf. *SFO Good-Nite Inn, LLC*, 357 NLRB No. 16, slip op. at 3 (2011) (employer assistance or advancement of decertification effort presumptively taints a resulting petition), enfd. 700 F.3d 1 (D.C. Cir. 2012); *Hearst Corp.*, 281 NLRB 764, 764 (1986) (where employer seeks to solicit employee repudiation of union as representative, decertification petition is tainted and employer "will be precluded from relying on [it] as a basis for questioning the union's continued majority support"), enfd. mem. 837 F.3d 1088 (5th Cir. 1988).